

July 29, 2020

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: **Notice of Ex Parte Presentation**
Expanding Flexible Use of the 3.7 to 4.2 GHz Band, GN Docket Nos. 18-122 & 20-173

Dear Ms. Dortch:

On July 27, 2020, the undersigned, outside counsel to SES Americom, Inc. ("SES"), along with John Purvis, Christophe De Hauwer, and Petra Vorwig of SES, spoke by telephone with William Davenport, Chief of Staff for Commissioner Geoffrey Starks. On July 28, 2020, this group, joined by David Redl of Salt Point Strategies, advisor to SES, also spoke by telephone with Will Adams, Legal Advisor to Commissioner Brendan Carr.

During these meetings, SES thanked the Commission for its work to support an efficient and expeditious C-Band transition process. SES provided an update as to the current status of its extensive, capital-intensive efforts to carry out the transition process established in the C-Band R&O.¹ For example, SES highlighted its procurement of four new satellites from U.S. manufacturers in order to meet the Commission's accelerated relocation deadlines.²

The parties also discussed the satellite deployment plans outlined in SES's Transition Plan.³ SES emphasized that every satellite requested in the SES Transition Plan is necessary to complete the C-Band transition and will *only* be used for C-Band services in the United States:

¹ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order & Order of Proposed Modification, 35 FCC Rcd 2343 (2020) ("C-Band R&O").

² Press Release, SES, *SES Selects Two U.S. Companies to Build Four New Satellites as Part of Accelerated C-Band Clearing Plan* (June 16, 2020), <https://www.ses.com/press-release/ses-selects-two-us-companies-build-four-new-satellites-part-accelerated-c-band>.

³ SES Americom, Inc. Accelerated C-Band Transition Implementation Plan, GN Dockets No. 18-122 & 20-173 (filed June 19, 2020).

these satellites will *not* be used in other fixed-satellite service bands (e.g., Ku- or Ka-band), nor does SES plan to serve non-U.S. jurisdictions using these satellites.

SES explained how this satellite deployment plan constitutes the only realistic course of action that would allow SES to continue meeting its contractual obligations—including critical operational continuity and restoration of service commitments—to existing C-Band video distribution customers in the post-transition spectrum environment.⁴ SES considered all viable transition options (including using higher order encryption and other compression techniques) but determined that procuring and launching four new satellites was the most efficient option to satisfy the Commission's accelerated relocation deadlines. In other words, the number of satellites SES has contracted for reflects careful consideration of both the need to provide continued service to existing C-Band video customers and the requirement to transition its operations to the 4.0-4.2 GHz band segment.⁵ In light of this narrowly tailored deployment framework, SES agrees with Intelsat that “[t]he Commission should not now second guess the deployment plan offered to . . . support its goal of transitioning 300 MHz while maintaining satellite service continuity.”⁶

Indeed, SES—like many other parties to this proceeding—cautioned the Commission not to allow self-interested, anticompetitive proposals⁷ to disrupt ongoing clearing efforts at the expense of SES, other critical stakeholders, and the American public. SES suggested the Commission should keep in mind the competitive dynamic potentially motivating these operators: Eutelsat's relative contribution towards C-Band transition efforts is only approximately 5%, and Hughes, EchoStar, and Inmarsat collectively provide *no* C-Band service in the U.S.⁸ Simply put, these operators have much to gain and little to lose by undermining SES's ability to conduct an orderly and effective transition process.⁹

⁴ SES notes the procurement and deployment of these satellites is consistent with longstanding plans disclosed to the Commission as far back as April 2019. See Letter from Jennifer D. Hindin, Counsel for the C-Band Alliance, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, Attachment at 6 (filed Apr. 9, 2019).

⁵ SES thus will not seek reimbursement “beyond what is necessary to clear the band.” C-Band R&O ¶ 194.

⁶ Letter from Laura H. Phillips, Counsel for Intelsat License, LLC (“Intelsat”), to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, at 3 (filed July 27, 2020).

⁷ See, e.g., Comments of Eutelsat S.A. on the Transition Plans Filed by SES Americom, Inc. and Intelsat License LLC, GN Docket No. 18-122 (filed July 13, 2020); Letter from Hughes Network Systems, LLC (“Hughes”), EchoStar Satellite Services, LLC (“EchoStar”), and Inmarsat Inc. (“Inmarsat”), to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed July 24, 2020).

⁸ C-Band R&O ¶¶ 230 & 232; Operator Comments at 2.

⁹ In any event, SES explained that Eutelsat's concerns about unnecessary costs ignore the clear guidance established by the Commission in the C-Band R&O, which sets forth multiple levels of oversight of the reimbursement process by the Relocation Payment Clearinghouse

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The parties also discussed issues related to the inclusion of certain technology upgrade costs in the lump sum payment amounts available to incumbent earth station operators who opt out of a satellite operator-led relocation process. SES reiterated its positions of record in this proceeding and emphasized the narrow role satellite operators should play in the transition of incumbent earth station operators electing to receive a lump sum payment.¹⁰ To bring these issues to a resolution, SES encouraged the Commission to issue a final Cost Catalog and Incumbent Earth Station list to provide further clarity and certainty to C-Band stakeholders going forward.

Pursuant to Section 1.1206(b) of the Commission's Rules, this letter is being filed in ECFS in the above-referenced dockets.¹¹ Please do not hesitate to contact the undersigned with any questions.

Very truly yours,

/s/ Brian D. Weimer

Brian D. Weimer
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Counsel to SES Americom, Inc.

cc: William Davenport, Office of Commissioner Starks
Will Adams, Office of Commissioner Carr

and, ultimately, the Commission itself. See C-Band R&O ¶¶ 260–62. To the extent any ambiguities arise regarding cost allocation, SES anticipates those issues will be appropriately addressed by the Relocation Payment Clearinghouse.

¹⁰ Letter from Brian D. Weimer, Counsel for SES, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed July 8, 2020).

¹¹ See 47 C.F.R. § 1.1206(b).